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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/680,687	10/07/2003	Stuart E. Pettengill	68,170-002	6232	
27305	7590 01/12/2005		EXAM	EXAMINER	
	& HOWARD ATTORNE	BRITTAIN, JAMES R			
	JRST OFFICE CENTER, SI DWARD AVENUE	JIIE#101	ART UNIT	PAPER NUMBER	
	D HILLS, MI 48304-515		3677		
			DATE MAILED: 01/12/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

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· · · · · pd	Application No.	Applicant(s)	
	10/680,687	PETTENGILL ET AL.	
Office Action Summary	Examiner	Art Unit	
0	James R. Brittain	3677	
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet wi	th the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REF THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perions - Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the main earned patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may a r eply within the statutory minimum of thir od will apply and will expire SIX (6) MON ute, cause the application to become AE	eply be timely filed by (30) days will be considered timely. ITHS from the mailing date of this communic SANDONED (35 U.S.C. § 133).	ation.
Status			
1) Responsive to communication(s) filed on			
	his action is non-final.	·	
3) Since this application is in condition for allow	vance except for formal matt	ers, prosecution as to the ment	s is
closed in accordance with the practice unde	r <i>Ex parte Quayl</i> e, 1935 C.D). 11, 453 O.G. 213.	
Disposition of Claims			
4)⊠ Claim(s) 1-19 is/are pending in the application	on.		
4a) Of the above claim(s) is/are withd	rawn from consideration.		
5) Claim(s) is/are allowed.			
6)⊠ Claim(s) <u>1-16</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and	d/or election requirement.		
Application Papers			
9)⊠ The specification is objected to by the Exami	ner.		
10)⊠ The drawing(s) filed on <u>07 October 2003</u> is/a	re: ̞a)□ accepted or b)⊠ o	bjected to by the Examiner.	
Applicant may not request that any objection to the	ne drawing(s) be held in abeyar	nce. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the corre	•	• • •	
11)☐ The oath or declaration is objected to by the	Examiner. Note the attached	d Office Action or form PTO-152	2.
Priority under 35 U.S.C. § 119			
12) ☐ Acknowledgment is made of a claim for foreigna) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority docume	ents have been received.	, , , , , ,	
2. Certified copies of the priority docume		• •	
3. Copies of the certified copies of the properties from the later extinct Pure	-	received in this National Stage	!
application from the International Bure * See the attached detailed Office action for a li	,	received	
Occ the attached detailed Office action for a li	or the definied copies hat	TOODIVOU.	
Attachment(s)			
1) Notice of References Cited (PTO-892)		Summary (PTO-413)	
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/C Paper No(s)/Mail Date 10072003. 		s)/Mail Date nformal Patent Application (PTO-152) 	

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DETAILED ACTION

Specification Objections

The disclosure is objected to because of the following minor informalities: it appears that reference numeral "18" ([0019], line 5) should be --16--. Correction is required.

Drawing Objections

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second component covering the whole of the respective sides (claim 8) and the fastener comprising a button and buttonhole (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 7 is objected to because of the following informalities: The passage "being fixed of very any portion" (lines 2-3) is written in non-idiomatic English. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.

Claims 1-7, 9, 11 15 and 16 are rejected under 35 U.S.C. §102(a) as being clearly anticipated by Tye (GB 237341).

Tye (figures 1, 2) teaches a device for maintaining position of a ring comprising: a strip of neoprene latex material 3 of generally rectangular shape with strips of Velcro 4, 5 located at opposite ends 6, 7 of the strip and on opposite sides thereof. Since Velcro is used the fastener is considered to be infinitely adjustable. In regard to claim 2, neoprene latex is a material that floats. As to claim 6, the use of threads or glue to secure the Velcro is conventional, as indicated by Tye on page 4, ¶4). In regard to claim 11, Velcro is commonly associated with hook and loop material and renders thereby teaches the use of a hook fastener.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tye (GB 237341) in view of Rivas (US 6295704).

Tye (figure 3) teaches a device for maintaining position of a ring comprising: a strip of material of generally rectangular shape with a press-stud 8 having mating portions located at opposite ends 9, 10 of the strip and on opposite sides thereof. The difference is that a button and buttonhole is not used. However, Rivas (figures 1-3B) teaches that a button 42 and buttonhole 44 are fully capable of being used on a strip as an alternative to hook and loop material or a press-stud to keep the ends of a strip secured together. It would have been obvious to utilize a

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button and buttonhole on the ends of the strip of Tye in place of the press-stud because Rivas teaches such a simple construction to perform the fastening. In regard to claim 14, Rivas suggests curving the ends of the strap as shown in figure 1, thereby rendering obvious the aesthetic choice of an oval strip.

Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tye (GB 237341) in view of Falcone (US 5272682).

Tye (figures 1, 2) teaches a device for maintaining position of a ring comprising: a strip of neoprene latex material 3 of generally rectangular shape with strips of Velcro 4, 5 located at opposite ends 6, 7 of the strip and on opposite sides thereof. Tye also teaches that strips such as his are usable to secure other jewelry such as that worn on a wrist (page, 9, ¶5). The difference is that it lacks a slit in the strip between its ends. However, Falcone (figure 1) suggests placing a slit 34 in the strip 10 between its ends so as to make viewing the secured object, in this case a watch, easier. As it would be beneficial to be able to view the jewelry worn under the strap of Tye, it would have been obvious to modify the device of Tye by placing a slit between its ends as taught to be desirable by Falcone.

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tye (GB 237341) in view of Koerner (US 5048158).

Tye (figures 1, 2) teaches a device for maintaining position of a ring comprising: a strip of neoprene latex material 3 of generally rectangular shape with strips of Velcro 4, 5 located at opposite ends 6, 7 of the strip and on opposite sides thereof. The difference is that it lacks hooks on the whole of one face and loops on the whole of the other. It would have been obvious to provide greater adjustability by providing hooks on the whole of one face and loops on the whole

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of the other in view of Koerner (figure 7) teaching such structure to be old and well known for providing greater adjustability.

Conclusion

The patents of Caldow (US D337543, figures 1-6), Goldwitz (US 5184353, figures 1, 6), Burnett (US 6023786, figures 1, 2, 4-6, 8), Morris (GB 2362310, figure 1) and Amthor (DE 3446331, figures 1-4) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> ames R. Brittain **Primary Examiner**

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